REMARKS

Claims 2, 3, 10, 11, 29, and 30 have been canceled. Claims 1, 9, 24, 28, and 55 have been amended. Claims 56-65 have been newly added. Claims 1, 4-9, 12-16, 24, 28, 31-33, and 55-65 are therefore pending.

Entry of this Amendment is respectfully requested on the ground that this Amendment places the application in condition for allowance. Alternatively, entry of this Amendment is respectfully requested on the ground that this amendment places the claims in better form and condition for appeal. Furthermore, Applicant submits that any changes made to the claims herein do not require an additional search on the part of the Office, nor do any amendments made herein raise new issues with regard to the patentability of the claims now pending.

In paragraph 2 of the Office Action mailed May 24, 2004, the Examiner objected to claims 9, 24, 28, and 55 because of various informalities. In response, Applicant has amended the claims accordingly. As such, withdrawal of this objection is respectfully requested.

In paragraph 4 of the Office Action, the Examiner rejected claims 1-16, 24, 28-33, and 55 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner alleges that in claims 1, 9, 24, 28, and 55, the phrase "the memory device is externally physically contactless for at least data and power" is unclear. In response, Applicant has amended claims 1, 9, 24, 28, and 55 to clarify this allegedly unclear language. Withdrawal of this rejection is therefore respectfully requested.

In paragraph 11 of the Office Action, the Examiner mentioned U.S. Patent No. 6,008,727 issued to Want. However, the Examiner did not cite this patent on the form PTO-892

attached to the May 24, 2004 Office Action. Applicant respectfully requests the Examiner to cite this patent on a form PTO-892 along with any subsequent communication.

Support for the limitations "wherein the memory device comprises a contact memory device which utilizes programmable random access memory to store the memorial information, and wherein the portable memory reading device is capable of programming the memory device by writing the memorial information to the programmable random access memory" in claim 1 may be found at least on page 8, last paragraph (right column) of the iButton® standards document as incorporated by reference in the present disclosure on page 5, line 16 of the original specification and generally in the specification as filed.

Amended claim 1 is directed to a system for providing memorial information about a deceased party interred at a cemetery location comprising: (A) a memory device affixed to a physical object positioned at the cemetery location, the memory device being accessible to any public user, the memorial information residing on the memory device; and (B) a portable memory reading device holdable by one of the public users, separate from the memory device, that retrieves the memorial information directly from the memory device via a non-permanent proximity link when positioned at the cemetery location, and that communicates the memorial information to at least one of the public users located at the cemetery location; wherein data corresponding to the memorial information is stored internally within the memory device, and wherein the memory device is free from physical connection to a source of the data, while the memory device is positioned at the cemetery location; wherein the communication of the memorial information to at least one of the public users located at the cemetery location sequentially follows and is substantially temporally commensurate with the retrieval of the memorial information directly from the memory device; and wherein the memory device comprises a contact memory device which utilizes programmable random access memory to store the memorial information, and wherein the portable memory reading device is capable of programming the memory device by writing the memorial information to the programmable

random access memory. Claims 9, 24, 28, and 55 contain similar limitations with respect to these underlined features and, therefore, the following argument is also applicable therefor.

In paragraph 8 of the Office Action, the Examiner rejected previous claim 1 under 35 U.S.C. § 103(a) over Weiner (EP 380,727) in view of Assisi (U.S. Patent No. 5,696,488). However, none of the features underlined in the paragraph above are shown or suggested by Weiner or Assisi. In view of the absence of such teachings, it is respectfully submitted that the invention of amended claim 1 is neither shown nor suggested by the cited prior art. With respect to the limitation in claim 1 "the memory device is free from physical connection to a source of the data, while the memory device is positioned at the cemetery location", Weiner is completely silent as to the source of the data that is eventually provided in circuitry 20 in memory unit 2 (Weiner's Figure 2). In fact, Weiner does not teach providing any source of the data within circuitry 20 whatsoever. Moreover, since ROM is utilized in circuitry 20, Applicant respectfully submits a wired connection would be used within Weiner's memory unit 2 to program the data into the ROM within circuitry 20, since wired communication of the data to program ROM devices is the method used as is widely known to those skilled in the art of programming ROM devices.

With Assisi's statement (in col. 1, lines 41-42) that "The information may be entered by means of known measures into the storage device during the lifetime of the deceased person.", Applicant submits that this entering of information is inherently done via a wired connection given Assisi's statement (in col. 1, lines 47-50) that the "Input of the data may be undertaken at a suitable place, the storage device itself likewise being capable of being located at this place or already at its final place of storage." In other words, there would be no need to wirelessly (e.g. a "free from physical connection" as claimed in claim 1) input data if the programmer/source of data for the storage device was located at the storage device. Moreover, Assisi supports this assumed inherency in col. 1, line 51, where Assisi states "the information may be initially stored intermediately in a mobile recording medium". So, in other words,

Applicant submits that Assisi teaches that when the programmer/source of data is separated from the storage device by some distance, conveying of the information to the storage device is performed using this mobile recording medium and not via a "free from physical connection" as expressly claimed in claim 1.

Thus, Weiner and Assisi both lack teaching providing a memory device which is free from physical connection to a source of the data while the memory device is positioned at the (cemetery) location. Weiner therefore clearly cannot be combined with Assisi to arrive at the claimed subject matter. As such, withdrawal of this rejection is respectfully requested.

Since the cited prior art lack a teaching of the above claimed features, Applicant respectfully submits the cited prior art, either alone or in combination, fails to teach the present invention as claimed. As such, withdrawal of this rejection is respectfully requested.

With respect to the limitations in claim 1 "wherein the memory device comprises a contact memory device which utilizes programmable random access memory to store the memorial information, and wherein the portable memory reading device is capable of programming the memory device by writing the memorial information to the programmable random access memory", Weiner discloses the use of ROM which is utilized in circuitry 20 within memory unit 2. Furthermore, since ROM is utilized, Weiner's portable sound-producing unit 4 clearly cannot program the memory unit's ROM.

With respect to Assisi, a "dialogue" occurs between the communications apparatus 3 and the computer 5 (which is in communication with storage device 6) whereby information is "called up" into memory 11 within the communications apparatus 3 (see Assisi's col. 2, lines 26-28). Applicant respectfully submits that this dialogue consists of accessing and reading of information only (i.e. of information residing on storage device 6) and not writing of information. In connection with the accessing/reading of the information, Assisi discloses (col. 1, lines 58-62) that the communication apparatus 3 "includes a recording medium for

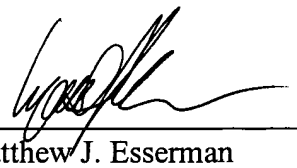
intermediate storage of the information called up from the storage device 6. This information may, for example, be displayed and/or printed out, or made audible as sound at home by means of appropriate devices." Given that Assisi discloses only accessing/reading by the communications apparatus 3 of the information residing on storage device 6 (via transmitter/receiver 2 and computer 5), Applicant respectfully submits that Assisi clearly does not teach the communications apparatus 3 capable of programming (i.e. writing) information to the storage device's memory as per claim 1. Thus, Weiner and Assisi both lack teaching wherein the memory device comprises a contact memory device which utilizes programmable random access memory to store the memorial information, and wherein the portable memory reading device is capable of programming the memory device by writing the memorial information to the programmable random access memory. Weiner and Assisi, either alone or in combination, therefore clearly cannot be used to arrive at the claimed subject matter.

Regarding newly added claims 56-65, although Applicant acknowledges that the Examiner argued that the general idea of retrieving data from a database through the internet is old and well known in the art, as stated by the Examiner in the Office Action mailed July 26, 2002, Applicant respectfully disagrees and submits that the overall concept of accessing information on a database via the internet is entirely novel and unobvious. Namely, Applicant submits there is absolutely no motivation in any cited prior art for a person to utilize the internet as a method of accessing/providing information from/to a database regarding their death (memorial information). Moreover, it is noted that Assisi's memory device is a storage device 6, and therefore this storage device does not have replicated information residing on it since it is the device which is ultimately being accessed by the communication apparatus 3 via transmitter/receiver 2. Weiner does not teach providing replicated information nor a database.

In view of the foregoing amendments and remarks, it is respectfully submitted that pending independent claims 1, 9, 24, 28, and 55 are in condition for allowance. In addition, it is respectfully submitted that the remaining claims are allowable, because such claims depend from

an allowable base claim. Reconsideration and further examination of the present application is therefore requested, and a notice of allowance is earnestly solicited.

Respectfully submitted,



Matthew J. Esserman
Reg. No. 41,536
Reed Smith LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103
(215) 241-7951

Dated: September 24, 2004